

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

GLENN A. HESS,

Plaintiff, : Case No. 3:08-cv-031

-vs- : District Judge Walter Herbert Rice
CITY OF HUBER HEIGHTS, et al., Chief Magistrate Judge Michael R. Merz

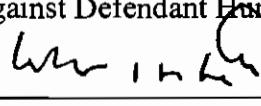
Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATIONS ON MOTION TO
DISMISS OF DEFENDANTS HUNTINGTON BANK AND DAVE EVANS**

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 41), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on June 23, 2008, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that all claims herein against Defendant Dave Evans are dismissed without prejudice for failure to state a claim upon which relief can be granted. All federal claims against Defendant Huntington Bank are dismissed without prejudice for failure to state a claim upon which relief can be granted. The Court declines to exercise supplemental jurisdiction over any state law claims which may be made against Defendant Huntington Bank.

June 25, 2008.


Walter Herbert Rice
United States District Judge